

REMARKS/ARGUMENTS

Upon entry of this amendment, which add new claims 14-30, claims 1-30 will be pending.

In the Office Action, claims 1-9 are rejected under 35 USC §103(a) as being unpatentable over Faigon, et al. (U.S. Patent No. 6,006,016, hereinafter "Faigon") in view of Greenwald, et al. (U.S. Patent No. 2003/0149919, hereinafter "Greenwald"). Claims 10-13 are rejected under 35 USC §103(a) as being unpatentable over Faigon in view of Greenwald, and further in view of Teglovic, et al. (U.S. Patent No. 5,692,030).

The prior art rejections for claims 1-13 involve the Greenwald reference. The filing date of Greenwald is May 5, 2000. Attached hereto is a Declaration under 37 CFR § 1.131 by the inventor of this patent application. As stated in par. 3 of the declaration:

Embodiments of the pending claims were conceived of before May 5, 2000, the filing date of Greenwald et al. Evidence of conception is shown in Exhibit A, which is a presentation entitled "VDSL Systems Strategy Report: VDSL Systems Strategy, VDSL Blueprint, Frameworks, and Organization" submitted by me, Richard Cerami, and other joint inventors. This presentation was presented by me, Richard Cerami, on March 12, 2000. This presentation is also found in the provisional application (Application No. 60/222,791) that the present application claims priority from.

The Declaration establishes that embodiments of the present invention were conceived of and reduced to practice on or before March 12, 2000, which is before the U.S. filing date of May 5, 2000 of Greenwald. Accordingly, Greenwald is no longer prior to the present claims and withdrawal of all prior art rejections based on Greenwald is respectfully requested.

Applicant note the Specification was amended to include patent application numbers of the related applications.

New claims

Applicants submit that the new claims are allowable over the cited references.

Appl. No. 09/921,283
Amdt. dated August 6, 2004
Reply to Office Action of May 6, 2004

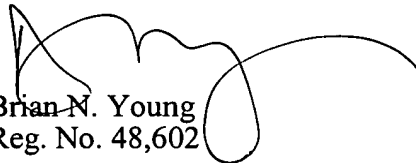
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CONCLUSION

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,


Brian N. Young
Reg. No. 48,602

TOWNSEND and TOWNSEND and CREW LLP
Two Embarcadero Center, Eighth Floor
San Francisco, California 94111-3834
Tel: 415-576-0200
Fax: 415-576-0300
BNY:jtc
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